



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5985

by Rep. Reginald Phillips

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6

from Ch. 122, par. 10-22.6

Amends the School Code. With respect to the suspension or expulsion of pupils, provides that if a firearm generally used for hunting purposes is found to be in a student's vehicle and the student has not faced prior disciplinary action for bringing a weapon to school, then the school board may not expel the student (rather than requiring expulsion for a period of not less than one year). Provides that the school board may suspend the student for no more than 3 days instead. Provides that these provisions do not apply to a handgun as defined in the Firearm Concealed Carry Act or any firearm located outside of the student's vehicle on school property.

LRB099 19657 NHT 44054 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 10-22.6 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 (Text of Section before amendment by P.A. 99-456)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, including gross disobedience or misconduct
12 perpetuated by electronic means, and no action shall lie
13 against them for such expulsion. Expulsion shall take place
14 only after the parents have been requested to appear at a
15 meeting of the board, or with a hearing officer appointed by
16 it, to discuss their child's behavior. Such request shall be
17 made by registered or certified mail and shall state the time,
18 place and purpose of the meeting. The board, or a hearing
19 officer appointed by it, at such meeting shall state the
20 reasons for dismissal and the date on which the expulsion is to
21 become effective. If a hearing officer is appointed by the
22 board he shall report to the board a written summary of the
23 evidence heard at the meeting and the board may take such

1 action thereon as it finds appropriate. An expelled pupil may
2 be immediately transferred to an alternative program in the
3 manner provided in Article 13A or 13B of this Code. A pupil
4 must not be denied transfer because of the expulsion, except in
5 cases in which such transfer is deemed to cause a threat to the
6 safety of students or staff in the alternative program.

7 (b) To suspend or by policy to authorize the superintendent
8 of the district or the principal, assistant principal, or dean
9 of students of any school to suspend pupils guilty of gross
10 disobedience or misconduct, or to suspend pupils guilty of
11 gross disobedience or misconduct on the school bus from riding
12 the school bus, and no action shall lie against them for such
13 suspension. The board may by policy authorize the
14 superintendent of the district or the principal, assistant
15 principal, or dean of students of any school to suspend pupils
16 guilty of such acts for a period not to exceed 10 school days.
17 If a pupil is suspended due to gross disobedience or misconduct
18 on a school bus, the board may suspend the pupil in excess of
19 10 school days for safety reasons. Any suspension shall be
20 reported immediately to the parents or guardian of such pupil
21 along with a full statement of the reasons for such suspension
22 and a notice of their right to a review. The school board must
23 be given a summary of the notice, including the reason for the
24 suspension and the suspension length. Upon request of the
25 parents or guardian the school board or a hearing officer
26 appointed by it shall review such action of the superintendent

1 or principal, assistant principal, or dean of students. At such
2 review the parents or guardian of the pupil may appear and
3 discuss the suspension with the board or its hearing officer.
4 If a hearing officer is appointed by the board he shall report
5 to the board a written summary of the evidence heard at the
6 meeting. After its hearing or upon receipt of the written
7 report of its hearing officer, the board may take such action
8 as it finds appropriate. A pupil who is suspended in excess of
9 20 school days may be immediately transferred to an alternative
10 program in the manner provided in Article 13A or 13B of this
11 Code. A pupil must not be denied transfer because of the
12 suspension, except in cases in which such transfer is deemed to
13 cause a threat to the safety of students or staff in the
14 alternative program.

15 (c) The Department of Human Services shall be invited to
16 send a representative to consult with the board at such meeting
17 whenever there is evidence that mental illness may be the cause
18 for expulsion or suspension.

19 (d) The board may expel a student for a definite period of
20 time not to exceed 2 calendar years, as determined on a case by
21 case basis. A student who is determined to have brought one of
22 the following objects to school, any school-sponsored activity
23 or event, or any activity or event that bears a reasonable
24 relationship to school shall be expelled for a period of not
25 less than one year:

26 (1) Except as otherwise provided in this subsection

1 (d), a A firearm. For the purposes of this Section,
2 "firearm" means any gun, rifle, shotgun, weapon as defined
3 by Section 921 of Title 18 of the United States Code,
4 firearm as defined in Section 1.1 of the Firearm Owners
5 Identification Card Act, or firearm as defined in Section
6 24-1 of the Criminal Code of 2012. The expulsion period
7 under this subdivision (1) may be modified by the
8 superintendent, and the superintendent's determination may
9 be modified by the board on a case-by-case basis.

10 (2) A knife, brass knuckles or other knuckle weapon
11 regardless of its composition, a billy club, or any other
12 object if used or attempted to be used to cause bodily
13 harm, including "look alike" of any firearm as defined in
14 subdivision (1) of this subsection (d). The expulsion
15 requirement under this subdivision (2) may be modified by
16 the superintendent, and the superintendent's determination
17 may be modified by the board on a case-by-case basis.

18 If a firearm generally used for hunting purposes is found
19 to be in a student's vehicle and the student has not faced
20 prior disciplinary action under this subsection (d), then the
21 board may not expel the student. Instead, the board may suspend
22 the student for no more than 3 days. This paragraph does not
23 apply to a handgun as defined in the Firearm Concealed Carry
24 Act or any firearm located outside of the student's vehicle on
25 school property.

26 Expulsion or suspension shall be construed in a manner

1 consistent with the Federal Individuals with Disabilities
2 Education Act. A student who is subject to suspension or
3 expulsion as provided in this Section may be eligible for a
4 transfer to an alternative school program in accordance with
5 Article 13A of the School Code. The provisions of this
6 subsection (d) apply in all school districts, including special
7 charter districts and districts organized under Article 34.

8 (d-5) The board may suspend or by regulation authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend a
11 student for a period not to exceed 10 school days or may expel
12 a student for a definite period of time not to exceed 2
13 calendar years, as determined on a case by case basis, if (i)
14 that student has been determined to have made an explicit
15 threat on an Internet website against a school employee, a
16 student, or any school-related personnel, (ii) the Internet
17 website through which the threat was made is a site that was
18 accessible within the school at the time the threat was made or
19 was available to third parties who worked or studied within the
20 school grounds at the time the threat was made, and (iii) the
21 threat could be reasonably interpreted as threatening to the
22 safety and security of the threatened individual because of his
23 or her duties or employment status or status as a student
24 inside the school. The provisions of this subsection (d-5)
25 apply in all school districts, including special charter
26 districts and districts organized under Article 34 of this

1 Code.

2 (e) To maintain order and security in the schools, school
3 authorities may inspect and search places and areas such as
4 lockers, desks, parking lots, and other school property and
5 equipment owned or controlled by the school, as well as
6 personal effects left in those places and areas by students,
7 without notice to or the consent of the student, and without a
8 search warrant. As a matter of public policy, the General
9 Assembly finds that students have no reasonable expectation of
10 privacy in these places and areas or in their personal effects
11 left in these places and areas. School authorities may request
12 the assistance of law enforcement officials for the purpose of
13 conducting inspections and searches of lockers, desks, parking
14 lots, and other school property and equipment owned or
15 controlled by the school for illegal drugs, weapons, or other
16 illegal or dangerous substances or materials, including
17 searches conducted through the use of specially trained dogs.
18 If a search conducted in accordance with this Section produces
19 evidence that the student has violated or is violating either
20 the law, local ordinance, or the school's policies or rules,
21 such evidence may be seized by school authorities, and
22 disciplinary action may be taken. School authorities may also
23 turn over such evidence to law enforcement authorities. The
24 provisions of this subsection (e) apply in all school
25 districts, including special charter districts and districts
26 organized under Article 34.

1 (f) Suspension or expulsion may include suspension or
2 expulsion from school and all school activities and a
3 prohibition from being present on school grounds.

4 (g) A school district may adopt a policy providing that if
5 a student is suspended or expelled for any reason from any
6 public or private school in this or any other state, the
7 student must complete the entire term of the suspension or
8 expulsion in an alternative school program under Article 13A of
9 this Code or an alternative learning opportunities program
10 under Article 13B of this Code before being admitted into the
11 school district if there is no threat to the safety of students
12 or staff in the alternative program. This subsection (g)
13 applies to all school districts, including special charter
14 districts and districts organized under Article 34 of this
15 Code.

16 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
17 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
18 97-1150, eff. 1-25-13.)

19 (Text of Section after amendment by P.A. 99-456)

20 Sec. 10-22.6. Suspension or expulsion of pupils; school
21 searches.

22 (a) To expel pupils guilty of gross disobedience or
23 misconduct, including gross disobedience or misconduct
24 perpetuated by electronic means, pursuant to subsection (b-20)
25 of this Section, and no action shall lie against them for such

1 expulsion. Expulsion shall take place only after the parents
2 have been requested to appear at a meeting of the board, or
3 with a hearing officer appointed by it, to discuss their
4 child's behavior. Such request shall be made by registered or
5 certified mail and shall state the time, place and purpose of
6 the meeting. The board, or a hearing officer appointed by it,
7 at such meeting shall state the reasons for dismissal and the
8 date on which the expulsion is to become effective. If a
9 hearing officer is appointed by the board he shall report to
10 the board a written summary of the evidence heard at the
11 meeting and the board may take such action thereon as it finds
12 appropriate. If the board acts to expel a pupil, the written
13 expulsion decision shall detail the specific reasons why
14 removing the pupil from the learning environment is in the best
15 interest of the school. The expulsion decision shall also
16 include a rationale as to the specific duration of the
17 expulsion. An expelled pupil may be immediately transferred to
18 an alternative program in the manner provided in Article 13A or
19 13B of this Code. A pupil must not be denied transfer because
20 of the expulsion, except in cases in which such transfer is
21 deemed to cause a threat to the safety of students or staff in
22 the alternative program.

23 (b) To suspend or by policy to authorize the superintendent
24 of the district or the principal, assistant principal, or dean
25 of students of any school to suspend pupils guilty of gross
26 disobedience or misconduct, or to suspend pupils guilty of

1 gross disobedience or misconduct on the school bus from riding
2 the school bus, pursuant to subsections (b-15) and (b-20) of
3 this Section, and no action shall lie against them for such
4 suspension. The board may by policy authorize the
5 superintendent of the district or the principal, assistant
6 principal, or dean of students of any school to suspend pupils
7 guilty of such acts for a period not to exceed 10 school days.
8 If a pupil is suspended due to gross disobedience or misconduct
9 on a school bus, the board may suspend the pupil in excess of
10 10 school days for safety reasons.

11 Any suspension shall be reported immediately to the
12 parents or guardian of a pupil along with a full statement of
13 the reasons for such suspension and a notice of their right to
14 a review. The school board must be given a summary of the
15 notice, including the reason for the suspension and the
16 suspension length. Upon request of the parents or guardian the
17 school board or a hearing officer appointed by it shall review
18 such action of the superintendent or principal, assistant
19 principal, or dean of students. At such review the parents or
20 guardian of the pupil may appear and discuss the suspension
21 with the board or its hearing officer. If a hearing officer is
22 appointed by the board he shall report to the board a written
23 summary of the evidence heard at the meeting. After its hearing
24 or upon receipt of the written report of its hearing officer,
25 the board may take such action as it finds appropriate. If a
26 student is suspended pursuant to this subsection (b), the board

1 shall, in the written suspension decision, detail the specific
2 act of gross disobedience or misconduct resulting in the
3 decision to suspend. The suspension decision shall also include
4 a rationale as to the specific duration of the suspension. A
5 pupil who is suspended in excess of 20 school days may be
6 immediately transferred to an alternative program in the manner
7 provided in Article 13A or 13B of this Code. A pupil must not
8 be denied transfer because of the suspension, except in cases
9 in which such transfer is deemed to cause a threat to the
10 safety of students or staff in the alternative program.

11 (b-5) Among the many possible disciplinary interventions
12 and consequences available to school officials, school
13 exclusions, such as out-of-school suspensions and expulsions,
14 are the most serious. School officials shall limit the number
15 and duration of expulsions and suspensions to the greatest
16 extent practicable, and it is recommended that they use them
17 only for legitimate educational purposes. To ensure that
18 students are not excluded from school unnecessarily, it is
19 recommended that school officials consider forms of
20 non-exclusionary discipline prior to using out-of-school
21 suspensions or expulsions.

22 (b-10) Unless otherwise required by federal law or this
23 Code, school boards may not institute zero-tolerance policies
24 by which school administrators are required to suspend or expel
25 students for particular behaviors.

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would
2 pose a threat to school safety or a disruption to other
3 students' learning opportunities. For purposes of this
4 subsection (b-15), "threat to school safety or a disruption to
5 other students' learning opportunities" shall be determined on
6 a case-by-case basis by the school board or its designee.
7 School officials shall make all reasonable efforts to resolve
8 such threats, address such disruptions, and minimize the length
9 of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,
11 out-of-school suspensions of longer than 3 days, expulsions,
12 and disciplinary removals to alternative schools may be used
13 only if other appropriate and available behavioral and
14 disciplinary interventions have been exhausted and the
15 student's continuing presence in school would either (i) pose a
16 threat to the safety of other students, staff, or members of
17 the school community or (ii) substantially disrupt, impede, or
18 interfere with the operation of the school. For purposes of
19 this subsection (b-20), "threat to the safety of other
20 students, staff, or members of the school community" and
21 "substantially disrupt, impede, or interfere with the
22 operation of the school" shall be determined on a case-by-case
23 basis by school officials. For purposes of this subsection
24 (b-20), the determination of whether "appropriate and
25 available behavioral and disciplinary interventions have been
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,
2 address such disruptions, and minimize the length of student
3 exclusions to the greatest extent practicable. Within the
4 suspension decision described in subsection (b) of this Section
5 or the expulsion decision described in subsection (a) of this
6 Section, it shall be documented whether other interventions
7 were attempted or whether it was determined that there were no
8 other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer
10 than 4 school days shall be provided appropriate and available
11 support services during the period of their suspension. For
12 purposes of this subsection (b-25), "appropriate and available
13 support services" shall be determined by school authorities.
14 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such appropriate and available services.

18 A school district may refer students who are expelled to
19 appropriate and available support services.

20 A school district shall create a policy to facilitate the
21 re-engagement of students who are suspended out-of-school,
22 expelled, or returning from an alternative school setting.

23 (b-30) A school district shall create a policy by which
24 suspended pupils, including those pupils suspended from the
25 school bus who do not have alternate transportation to school,
26 shall have the opportunity to make up work for equivalent

1 academic credit. It shall be the responsibility of a pupil's
2 parent or guardian to notify school officials that a pupil
3 suspended from the school bus does not have alternate
4 transportation to school.

5 (c) The Department of Human Services shall be invited to
6 send a representative to consult with the board at such meeting
7 whenever there is evidence that mental illness may be the cause
8 for expulsion or suspension.

9 (c-5) School districts shall make reasonable efforts to
10 provide ongoing professional development to teachers,
11 administrators, school board members, school resource
12 officers, and staff on the adverse consequences of school
13 exclusion and justice-system involvement, effective classroom
14 management strategies, culturally responsive discipline, and
15 developmentally appropriate disciplinary methods that promote
16 positive and healthy school climates.

17 (d) The board may expel a student for a definite period of
18 time not to exceed 2 calendar years, as determined on a case by
19 case basis. A student who is determined to have brought one of
20 the following objects to school, any school-sponsored activity
21 or event, or any activity or event that bears a reasonable
22 relationship to school shall be expelled for a period of not
23 less than one year:

24 (1) Except as otherwise provided in this subsection
25 (d), a ~~A~~ firearm. For the purposes of this Section,
26 "firearm" means any gun, rifle, shotgun, weapon as defined

1 by Section 921 of Title 18 of the United States Code,
2 firearm as defined in Section 1.1 of the Firearm Owners
3 Identification Card Act, or firearm as defined in Section
4 24-1 of the Criminal Code of 2012. The expulsion period
5 under this subdivision (1) may be modified by the
6 superintendent, and the superintendent's determination may
7 be modified by the board on a case-by-case basis.

8 (2) A knife, brass knuckles or other knuckle weapon
9 regardless of its composition, a billy club, or any other
10 object if used or attempted to be used to cause bodily
11 harm, including "look alike" of any firearm as defined in
12 subdivision (1) of this subsection (d). The expulsion
13 requirement under this subdivision (2) may be modified by
14 the superintendent, and the superintendent's determination
15 may be modified by the board on a case-by-case basis.

16 If a firearm generally used for hunting purposes is found
17 to be in a student's vehicle and the student has not faced
18 prior disciplinary action under this subsection (d), then the
19 board may not expel the student. Instead, the board may suspend
20 the student for no more than 3 days. This paragraph does not
21 apply to a handgun as defined in the Firearm Concealed Carry
22 Act or any firearm located outside of the student's vehicle on
23 school property.

24 Expulsion or suspension shall be construed in a manner
25 consistent with the Federal Individuals with Disabilities
26 Education Act. A student who is subject to suspension or

1 expulsion as provided in this Section may be eligible for a
2 transfer to an alternative school program in accordance with
3 Article 13A of the School Code.

4 (d-5) The board may suspend or by regulation authorize the
5 superintendent of the district or the principal, assistant
6 principal, or dean of students of any school to suspend a
7 student for a period not to exceed 10 school days or may expel
8 a student for a definite period of time not to exceed 2
9 calendar years, as determined on a case by case basis, if (i)
10 that student has been determined to have made an explicit
11 threat on an Internet website against a school employee, a
12 student, or any school-related personnel, (ii) the Internet
13 website through which the threat was made is a site that was
14 accessible within the school at the time the threat was made or
15 was available to third parties who worked or studied within the
16 school grounds at the time the threat was made, and (iii) the
17 threat could be reasonably interpreted as threatening to the
18 safety and security of the threatened individual because of his
19 or her duties or employment status or status as a student
20 inside the school.

21 (e) To maintain order and security in the schools, school
22 authorities may inspect and search places and areas such as
23 lockers, desks, parking lots, and other school property and
24 equipment owned or controlled by the school, as well as
25 personal effects left in those places and areas by students,
26 without notice to or the consent of the student, and without a

1 search warrant. As a matter of public policy, the General
2 Assembly finds that students have no reasonable expectation of
3 privacy in these places and areas or in their personal effects
4 left in these places and areas. School authorities may request
5 the assistance of law enforcement officials for the purpose of
6 conducting inspections and searches of lockers, desks, parking
7 lots, and other school property and equipment owned or
8 controlled by the school for illegal drugs, weapons, or other
9 illegal or dangerous substances or materials, including
10 searches conducted through the use of specially trained dogs.
11 If a search conducted in accordance with this Section produces
12 evidence that the student has violated or is violating either
13 the law, local ordinance, or the school's policies or rules,
14 such evidence may be seized by school authorities, and
15 disciplinary action may be taken. School authorities may also
16 turn over such evidence to law enforcement authorities.

17 (f) Suspension or expulsion may include suspension or
18 expulsion from school and all school activities and a
19 prohibition from being present on school grounds.

20 (g) A school district may adopt a policy providing that if
21 a student is suspended or expelled for any reason from any
22 public or private school in this or any other state, the
23 student must complete the entire term of the suspension or
24 expulsion in an alternative school program under Article 13A of
25 this Code or an alternative learning opportunities program
26 under Article 13B of this Code before being admitted into the

1 school district if there is no threat to the safety of students
2 or staff in the alternative program.

3 (h) School officials shall not advise or encourage students
4 to drop out voluntarily due to behavioral or academic
5 difficulties.

6 (i) A student may not be issued a monetary fine or fee as a
7 disciplinary consequence, though this shall not preclude
8 requiring a student to provide restitution for lost, stolen, or
9 damaged property.

10 (j) Subsections (a) through (i) of this Section shall apply
11 to elementary and secondary schools, charter schools, special
12 charter districts, and school districts organized under
13 Article 34 of this Code.

14 (Source: P.A. 99-456, eff. 9-15-16.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.